

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

MALACHI DEAN STOPS,

Plaintiff,

vs.

CORE CIVIC SERVICES –
CROSSROADS CORRECTIONAL
CENTER (SHELBY, MT); CCC-
WARDEN DOUGLAS FENDER;
CCC-CORRECTIONAL OFFICER
BAMKE, in their individual and
official capacities,

Defendants.

CV 17-52-GF-BMM

ORDER

Plaintiff Malachi Stops (Stops) is a state prisoner proceeding *pro se*. Stops filed his original Complaint on June 20, 2017. (Doc. 2). The named Defendants are Core Civic Services — Crossroads Correctional Center; and CCC Correctional Officer Bamke. (Doc. 6 at 1). Stops alleges that Officer Bamke assaulted him at the Crossroad Correctional Center on January 9, 2017. Stops alleges that while he was attempting to lower the volume on the metal detector, Officer Bamke approached him in a threatening manner and struck him a single time with his hand in the right shoulder area. Officer Bamke then told Stops not to touch the metal

detector again. Stops alleges that the Defendants violated his constitutional rights in contravention of 42 U.S.C. § 1983.

United States Magistrate Judge John Johnston conducted an initial screening of Stops's Complaint under 28 U.S.C. § 1915 on June 28, 2017. (Doc. 4). Judge Johnston determined that the Complaint failed to state a claim upon which relief may be granted. (Doc. 4 at 6). Judge Johnston explained why the Complaint failed to state a cognizable claim for relief under federal law. (Doc. 4 at 5-8). Judge Johnston gave Stops an opportunity to cure the defects in his Complaint. Judge Johnston directed Stops to file an Amended Complaint on or before July 28, 2017. (Doc. 4 at 14). Stops filed an Amended Complaint on August 3, 2017. Stops failed to correct, however, the deficiencies in his original Complaint. (Doc. 6).

Judge Johnston issued Findings and Recommendations in this matter on January 22, 2018. (Doc. 7). Judge Johnston recommended that Stops's Amended Complaint be dismissed for failure to state a federal claim. (Doc. 7 at 7). Stops did not file objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Stops's Amended Complaint (Doc. 6) is DISMISSED with prejudice.
2. The filing of this action counts as one strike for failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g).
3. Any appeal of this decision would not be taken in good faith as Stops's claims lack arguable substance in law or fact.
4. The Clerk is directed to enter judgment accordingly.

DATED this 14th day of February, 2018.



Brian Morris
United States District Court Judge